



LAKES MANAGEMENT ADVISORY COMMITTEE

NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
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APPROVED MINUTES January 27, 2006 Meeting DES Conference Room 9:30 a.m. - 1:00 p.m.

Members present:

Jim Haney, Ph.D., Chair
Joanna Pellerin, Vice Chair
Wendell Berry
Ken Gallagher
Mark Gallagher
Mark Hemmerlein
Mitchell E. Kalter
Marsha LaVallee Huntoon
Johanna Lyons
James S. Morash
Larry Sunderland
Rich Tichko

Representing:

Scientific Community, UNH
State Conservation Committee
NH Business and Industry Assn
Office of Energy and Planning
Commissioner, DOS
Commissioner, DOT
NH Fish & Game Commission
Conservation Commissions
Commissioner, DRED
Tourism, NH Travel Council
Conservation Community
Exec. Dir., Fish & Game Dept.

Term:

August 22, 2007
August 1, 2006
July 8, 2007
Indefinite
Indefinite
Indefinite
August 22, 2006
August 22, 2007
Indefinite
August 1, 2007
September 19, 2007
Indefinite

Members not present:

Joe Farrelly
Paul Goodwin
Ken Jordan
Fred Murphy
Dick Uncles

NH Lakes Association
NH Marine Trades Association
NH Association of Realtors
Member, Planning Board
Commissioner, Agr. Markets and Food

August 1, 2006
August 22, 2005
June 27, 2008
August 1, 2008
Indefinite

Guests Present

Jared Teutsch

Policy Director, NH Lakes Association

Staff Present

Jacquie Colburn
Laura Weit
Marie Loskamp

Lakes Coordinator, Watershed Management Bureau
Asst. Planner, Watershed Management Bureau
Executive Secretary, Watershed Management Bureau

The Meeting Was Called to Order

Joanna Pellerin, Vice Chairman, called the meeting to order at 9:37 a.m.

I. Introductions/Minutes/Committee Business

1) Meeting Minutes: January 6, 2006

Jacquie Colburn requested that the following be added to the minutes at the bottom of page 3 after the list: ***In addition to the above, the committee spent time discussing the Comprehensive Lake Inventory and the need to make it more user friendly.*** Mark Hemmerlein made a motion to accept the January 6, 2006 minutes as amended, Jim Morash seconded, and the motion was carried.

2) Committee Business:Membership:

Ken Gallager is our new representative for the Office of Energy and Planning.

Paul Goodwin had been our representative for the NH Marine Trades Association (NHMTA) and he has now been appointed to the Wetlands Council. MHMTA has sent a letter to the Governor and Council nominating Ken Wilson to be their representative to the LMAC.

Fred is in Florida for the months of January and February, but will be back in March.

Travel Vouchers:

J. Colburn distributed travel vouchers to eligible committee members.

Stream Gage Task Force:

Following the January 6th LMAC meeting, committee members were sent an email describing the Stream Gage Strategy Task Force and were asked to volunteer. Joe and Fred volunteered to represent the LMAC to the task force. Jacquie reported that there has been a loss of 14 stream gages in the last year in NH. This is of great concern not just to rivers but to lakes. The RMAC has put together a strategy to address this issue as well as a resolution, which was sent along with the strategy to the Commissioner requesting that a Stream Gage Task Force be formed. Ken Kimball, RMAC Chair and DES employees will be meeting with Commissioner on February 1st to discuss the strategy and the task force. After the meeting on February 1, 2006, Jacquie will advise the LMAC if alternates are needed while Joe and Fred are in Florida.

3. LMAC Meetings: 6/year with 2 lake visits

Meetings to date: The 1/6/06 meeting was the re-scheduled 12/05 meeting

Today's meeting is the first meeting for 2006

Next meeting: February 24th with/Governor and Commissioners (Lakes Forum)

The meeting is confirmed for February 24th and will take place at the Council Chambers with the Governor and Commissioners. It was scheduled to coincide with an LMAC meeting.

Commissioner Nolin will be sending out a letter inviting the following Commissioners to attend: Safety, DRED, DOT, AG, F&G, and OEP.

Jim Haney requested that the Lakes Management Criteria be presented again at this meeting and Jody Pellerin suggested that one person on the LMAC present this existing document at the meeting and any other issues that the LMAC wants presented. Jacquie explained that this meeting is intended for the Governor and Commissioners and that the LMAC is invited to listen in. If the Governor and Commissioners develop any actions and/or recommendations, then the LMAC is in a good position to act on those items. Note: Later in the meeting, Jared Teutsch explained that the meeting of the Governor and Commissioners came about from discussions between NHLA and the Governor at the NHLA Lakes Congress in June and again at another event with the Governor in December.

4. Future Agenda Items:

- Follow up to 2/24/06 meeting.
- SPNHF – New Hampshire's Changing Landscape: A Powerpoint presentation that has been developed by the Society for the Protection of NH Forests (SPNHF) focuses on the recent population growth and development statewide, as well as development around Cobbetts Pond and Canobie Lake.
- DES – Sprawl and Water Quality: A possible companion presentation to the SPNHF presentation, Carolyn Russell of DES does work relative to sprawl and smart growth, and good land use development. She is trying to increase public awareness on the connection between sprawl and its impact to water quality. Carolyn's focus is on smart growth and sprawl specific to New Hampshire.
- Jacquie will no longer assist the RMAC as Steve is coming back to work on Monday, 1/30.

II. **LMPP/LMAC Statute Review and Priorities for 2006** (Continuation of 1/6/06 meeting discussion)

Jacquie and Laura created a spreadsheet and grouped the list from the last brainstorming meeting by general subject areas. The LMAC reviewed the list and discussed whether or not new items should be added or deleted. During the meeting, additions were made to the spreadsheet via computer. When the document is finalized, it can be used as a guidance document for many years to come and will serve as the basis for tracking accomplishments. It will also help direct the Committee's efforts to focus on its statutory responsibilities.

- **Motion made by Jody Pellerin that we ask Jacquie and Laura to present these brainstorming items as a spreadsheet with a column indicating where they fit into RSA 483-A, seconded by Jim Morash, and vote was unanimous by those present.**

Other Business or Comments:

Changes to the LMPP statute (RSA 483-A): The NH Lakes Association would like to replace "NH Lake Federation" with the "New Hampshire Lakes Association", since the NH Lake Federation no longer exists. It was also suggested that any additional changes should be addressed at this time.

NHLA President: Jared stated that Nancy Christie, President of the NH Lakes Association is leaving effective the first week in March. They have hired a new Executive Director, Donald Kretchmer who works at Normandeau Associates. He is a lead scientist, a limnologist with a Masters Degree from the University of Wisconsin.

III. **Surplus Land Reviews**

- 1) CORD & the LMAC letters to the Attorney General's office.

Jacquie left a message with MaryAnn Manoogian, Chairman of CORD asking if CORD had received a reply from the Attorney General's office. Jacquie has also asked DES Assistant Commissioner Mike Walls what we need to do to get a response from the Attorney General's Office. Mike has recently spoken with Ann Larney of the Civil Bureau of the AG's office. Ken Gallagher also indicated that MaryAnn has made numerous efforts to correspond with the AG's office.

Before his departure from OEP, Ben Frost sent Jacquie an email indicating that Pete Helm is the staff person at OEP who will be working with CORD. Pete is with the Conservation Land Stewardship Program at OEP.

- 2) LMAC/RMAC and DOT process

Jacquie explained that she and Laura have continued to refine the draft memo from the LMAC/RMAC to DOT. DOT's Bureau of Rails and Transit and Bureau of Right of Way have reviewed it and have one concern. The way the memo is drafted the Lakes and/or Rivers Coordinator would review each surplus property to determine if the parcel is within the LMAC and/or RMAC's jurisdiction. DOT proposes to make that determination for the LMAC/RMAC and only pass along the properties that are within the LMAC/RMAC's jurisdiction to the Lakes and/or Rivers Coordinators. A discussion was held concerning whether or not DOT should make that determination. Jacquie informed the Committee that the Lakes and/or Rivers Coordinators currently review all properties received by CORD and that the Lakes and/or Rivers Coordinators make the determination if the parcel is within the LMAC/RMAC's jurisdiction. She is comfortable using this approach and recommended that the same process be used with DOT. It was agreed that DOT should send all subject parcels that would have normally gone to CORD to the Lakes and/or Rivers Coordinators.

The Committee agreed that the draft memo should be put it in the form of an MOU and signed by the chairmen of the LMAC and the RMAC, Commission Murray and Commissioner Nolin.

- 3) SLRs received – none w/in LMAC jurisdiction

IV. Lake-Related Legislation and Other Items and/or Issues**1) Lake Related Legislation - Jared Teutsch**

HB1684 - establishing a commission to study the effects of leasing state-owned waterfront property and placing a moratorium on the leasing of state-owned waterfront property

A hearing was held last week by the House Public Works and Highways Committee, Jared testified on behalf of NHLA and Larry Sunderland was there as an individual to testify. The Committee was curious as to the LMAC's interest in this issue. Larry made it very clear that he was not representing the LMAC. Larry stated that he was just giving his observations of the committee's concern. There were some people in favor of bill, and a number people against the bill. Those against the bill were from 18 Mile Point and were off point as to what the bill was going to do. The bill might be merged with HB 1343 that is looking at the entire CORD process.

Jim Gallagher spoke at the hearing and said that DES leases waterfront property for about \$250 a linear foot which is ten times more than what DOT charges for its leases. The committee was also interested in that idea but they were more interested in the idea of public access because the State is disposing waterfront property and yet there is clearly a public access issue throughout the state. Jared thinks the bill will go somewhere but is not sure it will continue in its present form.

HB 162 - relative to general rules for vessels operating on water

WinnFABS (Winnepesaukee Family Alliance for Boating Safety) is the prime pusher behind the bill regarding speed limits-. This bill will come before the full House and it is to close to call. The Senate has come out strongly against the bill.

HB 317 – relative to mooring fees

Has been sent back to committee and maybe changed back to a petition process. Originally, the bill gave residents the ability to petition the DOS to have a waterbody included in the mooring program. The mooring program currently regulates moorings on the 6 largest lakes. The committee wants DOS to work out a compromise.

SB 103 - establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund

Was originally a shoreline maintenance fee, whereby property owners would be charged 10 cents a linear foot to finance the dam maintenance fund on waterbodies that had a state-owned dam. That was amended in its entirety and now the bill creates a legislative committee to look at long term funding for the dam maintenance fund and a one million dollar appropriation from the General Fund. The bill passed the Senate, and now it goes to Senate Finance Committee.

SB 140 - relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas

Allows DES to create the Wetlands-In-Lieu Fee program. This bill should have been up several times already, but it has been pulled from the calendar. It will be heard on February 1st and it should pass with no problem.

Given the inquiries that were made of the LMAC's position at the hearing for HB1684, Jacquie asked the committee if they would like her to forward to Rep. Chandler (chairman of the Public Works and Highway Committee) a copy of the correspondence that the LMAC recently sent to the governor's office. It sounds like they are obviously aware of the LMAC, so they have a better understanding of our discussions and actions on this, would that be appropriate to do. Jared stated that they asked Larry if the LMAC wanted veto authority.

- **Jody Pellerin motion to send a copy of letter that was recently sent to the governor office and to the Attorney Generals Office to Representative Chandler and his Committee, Jim Morash seconded the motion and the motion carried.**

2) Other Items and Issues:

SPA Commission:

Darlene gave an update on the Shoreland Protection Act Commission. The Commission has had 5 meetings since September. The meetings have been dedicated to: bringing committee members up to date with what the act requires; how DES has been able or not able to enforce certain parts of the Act; and, why those differences in enforcement exist. A lot of attention has also been directed at the natural woodland buffer and basal area requirements of the law and how difficult it is to enforce this provision of the statute.

The most productive meeting was the last meeting which was the first time the commission engaged in an open discussion about everything they had heard. Many of the commission members noted that buffers are being lost, and that there is no good way to enforce what we have. The Commission is now looking for input from the State of Maine on their system to measure the basal area.

There has been input from lakes region code enforcement and planning organizations about misunderstandings between who has authority for enforcement, whether it is the state, whether it is the town, and how that results in confusion. The commission members agree that there must be a clear order of authority and a chain of command on who has enforcement. No one wants to see redundancy in the program.

Jared said that he will send Darlene and the chairman of the CSPA the NHLA white paper regarding the problems and solutions of the Shoreland Protection Act, and he offered to share this white paper with the LMAC.

- **The committee was unanimous that they would like a copy of the NHLA White Paper document.**

Winnisquam Boat Ramp Project:

Rich Tichko, Jacquie Colburn and others from DES and F&G continue to work on this project. Environmental site assessments have been done. Geotechnical investigations are done. The property transfer has been completed between Fish and Game and the City of Laconia. The paperwork was submitted to the NH Division of Historical Resources to determine if the property is eligible for designation because the structures on the site are more than 50 years old and federal money will be used for the construction of the access site. The site has been deemed eligible by the NH DHR; however, NH DHR did give permission to remove the remains of the greenhouse buildings so the access site development can move forward. Numerous federal and state permitting agencies need to sign off on the access site including FEMA, Corps of Engineers, Fish and Wildlife, DES, and the National Flood Insurance Program (NFIP). NH Fish and Game is still working with U.S. Fish and Wildlife Service on the funding package. The Winnepesaukee River Basin Program which administers the sewage treatment facilities for the ten towns around Lake Winnepesaukee also need to do some work on their portion of their property that is why more paperwork and coordination of efforts with the NH Division of Historic Resources is necessary. Hopefully, site work for the boat ramp/access site will take place in early fall.

River and Watershed Conference – A conference was not held in 2005. At this point, DES and the cooperating partners expect to hold the conference in November 2006.

Economic Value Study – Phase IIIb - Ann Nordstrom has been hired by NH Lakes Association on behalf of the participating organizations to oversee the final phase of this study. Anne has developed a plan to conduct in-depth on-site surveying at various access sites over the summer. Nancy Christie, President of NHLA, Kelly Short, President of the NH Rivers Council and Jacquie will be discussing this further in a phone call with Anne on Monday.

Sister Lakes - Jody Pellerin was curious whether there has been any ongoing communication with our sister lake in Israel. Jacquie reported that about 2 weeks ago Jim Braver organized a conference call between Jeff Schloss, Jody Connor, Jacquie, and the chief scientist for the Ministry of the Environment in Israel, Dr. Bar-Or. Unfortunately, Jody and Jeff could not participate in the phone call so Jacquie and Jim spoke with Dr. Bar-Or. Presently, Israel is focusing its research on its rivers. Jacquie said that she offered assistance from DES and Dr. Bar-Or extended an invitation for DES staff and others from academic institutions to visit Israel and assist them with their ongoing research.

Other Meetings/Events -

Mark Hemmerlein announced that DOT is holding a Stormwater meeting on May 9th at the Center of New Hampshire, Manchester which has some relevance to lakes in New Hampshire. DOT is billing it as their annual Stormwater Meeting. It is mostly for those municipalities who deal with the National Pollution Discharge Elimination Program (NPDES) under the MS4 permit of the Clean Water Act. This is part of EPA's purview and it regulates stormwater discharge from hard surfaces like highways, parking lots, roads, or anywhere that stormwater is collected and then subsequently discharged to a river, lake or waterbody. Most towns in the southern part of the state, seacoast all the way through Milford across the southern tier, are required to develop a plan to manage their stormwater and need a permit to discharge it to surface waters. Contact Mark for more information.

Jacquie informed the LMAC that DES, Fish and Game, and the Nature Conservancy are holding a forum on February 23, 2006 to exchange ideas, share results of current projects, discuss data sharing options, and develop unified strategies relative to the collection of biological data from NH rivers and streams relative to the state's aquatic ecosystems.

- ***A motion was made by Jim Morash to adjourn the meeting, seconded by Marsha LaVallee Huntoon and the vote was unanimous.***

The meeting adjourned at approximately 12:50 p.m.